

Exhibit 12 to the Fox Declaration

1 FOX & ROBERTSON, P.C.
2 Timothy P. Fox, Cal. Bar No. 157750
3 910 - 16th Street
4 Suite 610
5 Denver, Colorado 80202
6 Tel: (303) 595-9700
7 Fax: (303) 595-9705

8 Attorneys for Plaintiffs

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 FRANCIE E. MOELLER et al,

13 Plaintiffs,

14 v.

15 TACO BELL CORP.,

16 Defendant.

Case No. C 02 5849 MJJ ADR

DECLARATION OF EDWARD MUEGGE

17 I, Edward Muegge, do hereby declare that:

18 1. Due to a spinal cord injury, I use an electric scooter for mobility.

19 2. For a number of years, I have been engaged in advocacy and education
20 concerning discrimination and other issues involving persons with disabilities.

21 3. For example, after I received my masters degree in counseling psychology in
22 1997, I taught a class entitled the Psycho-Social Aspects of Disability at Sonoma State
23 University. I also provided counseling services to students with disabilities.

24 4. I later taught Advocacy for Students with Disabilities at Santa Rosa Junior
25

26 Case No. C 02 5849 MJJ ADR
Declaration of Edward Muegge

1 College, where I also formed the Disability Mastery Group, a weekly support group for
2 students with disabilities.

3 5. Until moving to Hawaii in 2003, I lived in Rohnert Park, California, where I
4 engaged in advocacy efforts through several entities, including the Disability Advocacy
5 Program and Late for Your Date, a group that I co-founded that seeks to improve the
6 accessibility of the paratransit system in the Santa Rosa area of California.

7 6. I am a board member and treasurer of Disability Associates, a California non-
8 profit entity formed to provide education and consultation services concerning the social model
9 of disability.

10 7. I enjoy eating fast food, including tacos and the other items served at Taco Bell.

11 8. I have been to many Taco Bell restaurants in California, including restaurants
12 located at 1416 Farmers Lane and 2000 Santa Rosa Avenue in Santa Rosa, the restaurant
13 located at 406 E. Washington Street in Petaluma, as well as the Taco Bell restaurants located at
14 5000 Redwood Drive and 1700 East Cotati Avenue in Rohnert Park, California.

15 9. I have encountered numerous accessibility barriers at these restaurants,
16 including doors that are very difficult to open, queue lines that are too narrow for my scooter,
17 drink and condiment dispensers that are very difficult for me to reach and operate, inadequate
18 seating that causes my scooter to block the aisle, designated handicap parking with access
19 aisles that are too narrow to allow me to deploy my ramp, designated handicap parking located
20 in an area that requires me to cross traffic lanes to get to the restaurant, and bathrooms with
21 heavy doors, flushing devices that are hard to operate, and uninsulated pipes under the sink.

22 10. I intend to return to California to live for certain seasons of the year, and I own
23 land in Lake County on which I plan to build a house. My wife and I have stored our furniture
24 in California to use once our house is built.

1 11. In the meantime, I intend to travel to California on regular visits for several
2 reasons. First, I will have periodic meetings in California in connection with my role as board
3 member and treasurer of Disability Associates. Second, I intend to travel to California to hire
4 an architect and make other arrangements necessary for the construction of my house in Lake
5 County. Finally, my medical care is provided by a Veterans Affairs facility in Palo Alto,
6 California. This is the only VA spinal cord injury facility for this region, which includes
7 California and Hawaii (among other states). I plan on returning to California for examinations
8 at the Palo Alto facility. Indeed, I am required to undergo annual examinations in order to
9 obtain from the VA certain medications that I require.

10 12. When I move back to California, and during my visits to California, I plan to eat
11 at Taco Bell restaurants.

12 13. I understand that I am a representative of the class in this case, and I intend to
13 vigorously prosecute this case on behalf of the class.

14 I declare under penalty of perjury that the foregoing is true and correct.

15
16
17 DATE: Sept. 2, 2003 /s/ Edward Muegge
18 Edward Muegge